



Testimony in Support of
SB 651, *AAC Temporary Hold for Certain Family Violence Arrestees*
HB 7004, *AAC Implementation of the Recommendations of the Task Force to Study*
Restraining Orders
HB 7005, *AAC Domestic Violence Offender Program Standards and Increased*
Protections of Victims of Domestic Violence

Judiciary Committee
March 16, 2015

Good morning Senator Coleman, Representative Tong and members of the Committee. My name is Allison Roach and I am an Attorney Advocate with the Domestic Violence Crisis Center (DVCC), a member program of the Connecticut Coalition Against Domestic Violence (CCADV). The DVCC serves the communities of Stamford, Norwalk, Westport, New Canaan, Darien, Wilton, and Weston and is the only domestic violence victim service provider in Connecticut with attorneys on staff charged with providing representation to victims seeking civil restraining orders.

We urge your support of SB 651, An Act Concerning Temporary Hold for Certain Family Violence Arrestees, HB 7004, An Act Concerning Implementation of the Recommendations of the Task Force to Study Restraining Orders and HB 7005, An Act Concerning Domestic Violence Offender Program Standards and Increased Protections of Victims of Domestic Violence.

SB 651, An Act Concerning Temporary Hold for Certain Family Violence Arrestees

Suspects of a family violence crime who are able to make bond are released from jail immediately following an arrest. A temporary 12-hour hold for some family violence offenders, when certain evidence-based risk factors are present that indicate an increased likelihood of fatal violence is a commonsense response to help victims of domestic violence establish safety and prepare for the offender's release. The arrest of a suspect of a family violence crime leads to a volatile and dangerous period. It is during this period that an abuser is not in control of their partner and the abuser may escalate the violence in an effort to maintain and/or regain control. A 12-hour hold will provide a victim more time to ensure that they are safe when the suspect is released from jail. Currently, Alabama, Indiana, Massachusetts, Mississippi, Nevada, and Tennessee have laws that require a temporary hold of certain family violence offenders.

The lethality risk factors included in this bill that would trigger the proposed 12-hour hold are based on years of research by Dr. Jacquelyn C. Campbell at Johns Hopkins University. These factors represent a critical tool for the criminal justice system to utilize when trying to prevent serious intimate partner violence or homicide. These factors are also used in the Lethality

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Assessment Program (LAP), a tool used by police officers across the state when responding to a family violence crime. In DVCC'S catchment area, Norwalk, Darien, Westport, Wilton, and New

Canaan as well as the State Police utilize this program. We are happy to report that the program will also be expanding to Stamford and Weston. If a victim screens as high danger, the responding police officer immediately links that victim to the local domestic violence program, for immediate safety planning and crisis counseling. The 12-hour hold of a particularly dangerous family violence suspect would provide victims the time necessary to implement the safety plan they have established, including collecting belongings from the family home, securing a safe place to stay, and working with the local domestic violence organization to implement the safety plan established.

HB 7004, An Act Concerning Implementation of the Recommendations of the Task Force to Study Restraining Orders

State Marshal Access to Information

When a victim decides to leave their abuser, women are 70 times more likely to be killed in the two weeks after leaving their abuser than any other time. However, for victims who have accessed the family court for a restraining order, difficulty with the current process to accomplish service on the offender is overwhelmingly cited as a significant barrier. HB 7004 proposes a variety of changes that will give state marshals access to information that can assist them in successfully effectuating service of restraining orders and ensuring that victims have timely access to the status of such service. We encourage these changes to help victims protect themselves.

Methods of Service

Broader options of service are necessary to really see the benefit of providing more information to state marshals for service; particularly for the abuser/respondents that are avoiding service of the restraining orders. The best course of action is to allow either the marshal or law enforcement to verbally inform/notify an abuser/respondent that they have an ex parte restraining order against them. Massachusetts reports a 95% success service rate for restraining orders. This level of success is contributed to Massachusetts permitting verbal notification. By providing notice by telephone, abuser/respondents can have notice that they are to abide by the ex parte restraining order, providing a level of protection to the abuser/respondent immediately.ⁱ



Law Enforcement for Service

We recommend additional changes to the current bill in order to increase the protection of victims. In addition to state marshals, law enforcement should be permitted and required by to serve temporary, ex parte restraining orders when the victim/applicant indicates on the restraining order application that the abuser/respondent has firearms or ammunition.

We understand that by changing the law to allow law enforcement to effectuate service will create an extra burden on all police departments across the state. However, in Fiscal Year 2013, only 628 of the 5,026 ex parte orders granted **statewide** included allegations of firearms. In DVCC's catchment area, 23 of the 138 ex parte orders granted involved firearms. A small burden to increase the protection of victims.

Extension of Service

Beyond including law enforcement for service, we also seeking to include the recommendation from the Restraining Order Task Force that extends the time for service of a restraining order.ⁱⁱ Currently, if service cannot be made five (5) days prior to the hearing, which falls fourteen (14) days after the ex parte order is granted, and the respondent does not show up to the hearing, the ex parte order is dropped. At this time, the victim must re-file their application. This creates many issues for the victim/applicant including, and most importantly, an additional barrier to safety. Allowing the court to extend the temporary protection so that service can be reattempted is a commonsense fix to assisting victims and ensuring that the system is responsive to them at a time when they are experience significant trauma.

Short Form Notification

DVCC is seeking to add language to HB 7004 that allows for a Short Form Notification ("short form"). A short form would put the abuser/respondent on notice that they are now under a restraining order without including the affidavit portion of the application. For example, Illinois uses a short form and provides instructions to the abuser/respondent on where they can view the entire application (a sample is included below).

DVCC appreciates that abusers/respondents have a right to see the entire complaint, however, having it hand delivered to the abuser/respondent puts the victim/applicant's safety as a huge concern. A victim/applicant must divulge the details about the relationship that many have been told to keep quiet, including all threats and violence, in order for the court to consider granting an order ex parte. Including in SB 650 a provision that no longer requires the affidavit to be served as part of the application will increase victim safety.



Civil Legal Advocates

Finally, as previously stated, victims are at the highest risk when they decide to leave their abuser and it is vital that victims establish a safety plan at this crucial point. Victims need access to certified domestic violence advocates in all family courts that can assist victims in completing restraining order applications. Currently, only four family courts have designated certified domestic violence advocates, leaving victims to fend for themselves when filing for a restraining order, missing the safety-planning component, in 12 family courts across the state. Increased funding to create access to certified domestic violence advocates in each family court will help increase the safety of victim/applicants.

Removal of Firearms From Those Subject to an ex parte Restraining Order

We encourage the judiciary committee to include a provision that offenders subject to an ex parte restraining order turn over any firearms and restrict the offender's ability to purchase one for as long as the order is in place. This provision is a common-sense measure that would provide protection during an emotionally volatile time when lethality indicators are very high. Domestic violence is about power and control; if the abusive partner feels as though they are losing control over their partner, they may make desperate and deadly decisions to regain that control. We urge you to join the 20 other states who have enacted this protection. Further, we implore you to reduce the timeframe in which offenders are to turn over their firearms from 2 business days to 24 hours. Let us enable ex parte orders to serve the purpose for which they were intended – to provide immediate protection to victims of domestic violence.

There is currently a misunderstanding that *Sec. 29-38c; Seizure of firearms of person posing risk of imminent personal injury to self or others* provides victims with the means to have firearms removed from an offender. It requires a state attorney to apply for a warrant when it is believed that a person poses a risk of imminent personal injury to himself or herself or to other individuals. However, the reliance on this statute is misguided. It would force a victim to (1) tell their story to another person; (2) rely on a state attorney to decide whether they should apply for a warrant or not; and (3) wait for the warrant to be processed, filed and served before the removal of firearms will take place. This is not a solution to removing firearms from an offender. Realistically, this process could take the entire two week period that the ex parte restraining order is in place, making the exercise **futile** as once a judge orders the ex parte restraining order be extended, firearms, under current law, are required to be turned over at that time. By relying on this statute, not only are victims are forced to overcome another barrier to safety, but prosecutorial and law enforcement resources are wasted.



HB 7005, An Act Concerning Domestic Violence Offender Program Standards and Increased Protections of Victims of Domestic Violence

Batterer Intervention Programs Standards

Domestic violence is a pattern of violence and/or abusive behaviors used by a person intended to exert power and control over another in the context of an intimate relationship. It is a learned behavior and it is an individual's choice to behave in a violent and/or abusive manner. Domestic violence offender programs are intended to emphasize the accountability of individual perpetrators. The purpose is to educate offenders and teach skills that support a non-violence lifestyle and promote healthy relationships.

In 2013, the Criminal Justice Policy Commission (CJPAC) formed a subcommittee to develop program standards for batterer intervention program providers in Connecticut. Following over a year of research and evaluation of program standards utilized by other states the subcommittee presented a set of agreed upon standards. These standards are intended to serve as a framework for new and existing program providers to develop and deliver services to people arrested for committing crimes of violence against an intimate partner or people identified as needing services in order to prevent acts of domestic violence. The standards address program content ensuring that programs define and discuss all forms of domestic violence associated dynamics, including attitudes and beliefs that support abusive behavior, while emphasizing the importance of taking responsibility for one's actions. Programs must also seek to change an individual's behavior by teaching interpersonal strategies that support equitable, nonviolence relationships. The standards also call for prohibiting the use of anger management techniques that identify anger or stress as the primary cause of abuse.

Connecticut is 1 of only 6 states that have not established standards for its batterer intervention programs.

Victim Confidentiality

We have heard from many victims of family violence crimes that there is a hesitation to take the necessary steps and report domestic violence to local law enforcement is due to the likelihood that their name will appear in local media through a police blotter or local news reporting. Victims of family violence should not have to make a decision to seek assistance from the police based on a fear that the dynamics of their relationship be shared with everyone in their local community. Connecticut law has allowed the names and addresses of sexual assault victims to be kept confidential throughout involvement with the criminal justice system since 1981.

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This bill proposes that the same confidentiality provided to sexual assault victims be extended to victims of family violence while still ensuring that the information is available to the accused in the same time and manner as such information is available to persons accused of other crimes. It is a measure that will protect victim privacy thereby encouraging victims who are reluctant to report incidents of domestic violence to the local police department.

We urge your support of these important measures. Thank you for your time and consideration in these matters.

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Short Form Notification

☐ **Order of Protection** ☐ **Civil No Contact Order** ☐ **Stalking No Contact Order**

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ <input type="checkbox"/> A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____
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The following are **some** of the restrictions placed on you. You must obtain a copy of the order for a complete list of restrictions. Instructions for obtaining the full order are on the back of this form.

Order of Protection	1. <input type="checkbox"/> Do not further abuse, harass, intimidate, or harm the petitioner or other protected persons. 2. <input type="checkbox"/> Do not enter the petitioner's residence. 3. <input type="checkbox"/> Stay away from petitioner and protected persons at additional locations. 5. <input type="checkbox"/> Petitioner has been given physical care and possession of child(ren). 8. <input type="checkbox"/> Do not remove child(ren) or hide the child(ren) from the petitioner. 9. <input type="checkbox"/> You must appear in court or <input type="checkbox"/> you must appear in court with the child(ren). 10. <input type="checkbox"/> Petitioner has been granted possession of certain personal property. 11. <input type="checkbox"/> Do not damage, destroy, conceal, or sell certain personal property. 14. <input type="checkbox"/> Do not enter or remain in the residence while under the influence of drugs or alcohol. 15. <input type="checkbox"/> Do not access child(ren)'s school, medical, or other records. 17. <input type="checkbox"/> You are also ordered to _____ and <input type="checkbox"/> You shall not possess a firearm. (14.5)
Civil No Contact Order	1. <input type="checkbox"/> You must stay at least _____ feet from petitioner and protected persons. You are prohibited from coming to _____. 2. <input type="checkbox"/> Do not contact the petitioner or protected persons in any way. 3. <input type="checkbox"/> Do not take, hide, or damage the property of the petitioner or protected persons.
Stalking No Contact Order	1. <input type="checkbox"/> Do not threaten to commit or commit stalking. 2. <input type="checkbox"/> Do not have contact with the petitioner or protected persons. 3. <input type="checkbox"/> Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

NOTE TO PRINTER: ONLY THIS PAGE TRIMS HERE.

Short Form Notification

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Respondent's current address: _____

Affidavit of Service

I certify that on the _____ day of _____ of 20____, in _____ County at _____ a./p. I personally served this notice and that I orally informed the person of the conditions checked and the enforcement notice listed.

Officer _____	Agency _____
Signature _____	Agency Report# _____

Short Form Notification Important Information for Respondent

This is a short form notification of a protective order and does not contain all the information you need to know about the order.

The petitioner may have requested additional relief not indicated on this form, such as child support, maintenance, financial reimbursement, and/or custody of children. A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in _____ County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order.

To obtain a copy of the full petition and protective order:

Go to the sheriff's office or Circuit Court Clerk in the county where the order was issued to obtain a copy of the full order and the petition. Be sure to bring this form and proper identification (driver's license or state ID) with you to obtain a copy of the full order. The full order explains in more detail what the judge has ordered. The petition contains the allegations made by the petitioner. **Failing to obtain the full order does not protect you from arrest if you violate any of the terms of the order. Violation of the order can result in misdemeanor or felony charges against you.**

If this order is an Order of Protection issued under the Illinois Domestic Violence Act, any Firearm Owner's Identification Card issued to you has been revoked. You may also be subject to federal penalties for possessing, transporting, or accepting a firearm or ammunition under the Gun Control Act (18 U.S.C. § 922 9(g)(8)).

Law enforcement agency: please write or stamp addresses here.

Sheriff's Office

Circuit Court Clerk

Respondent's Copy Short Form Notification

Provided by the Office of Illinois Attorney General Lisa Madigan.
Printed by authority of the State of Illinois. This material is available in alternate format upon request.



ⁱ *In Com V. Melton*, the court cited the 14th Amendment of the United States Constitution, stating that “No due process violation results in a prosecution for violation of an abuse of protection order if the commonwealth proves that the defendant had actual knowledge of the terms of an order, despite any failure of service. Com. v. Melton, 77 Mass. App. Ct. 552, 555-56, 933 N.E.2d 125, 128-29 (2010)

ⁱⁱ Page 9, Number 9 of the Restraining Order Task Force Recommendations